

## REMARKS

Claims 1-31 are pending in the application. Claims 1-31 are rejected.

In the present Office Action dated March 23, 2006, the Examiner rejected claims 1-8, 11, 16-20 and 31 under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2004/0092281 (*Burchfiel*) in view of U.S. Pub. 2006/0018289 (*Schulist*). The Applicants respectfully traverse the rejection for reasons presented below.

### Claim 1 (and dependent claims) and Claim 31

Claim 1 calls for (1) receiving a request from a remote unit to provide a power level associated with a transmitting component (2) measuring a power level of a signal provided by the transmitting component in response to receiving the request from the remote unit; and (3) providing the measured power level to the remote unit. The Examiner asserts elements (1) and (3) are taught by *Burchfiel* at paragraphs 35-36, and element (2) is taught by *Schulist* in paragraph 12. A closer review of the references, however, reveals otherwise.

Contrary to the Examiner's assertion, *Burchfiel* at least does not teach receiving a request from a remote unit to provide a power level associated with a transmitting component. In ¶35, *Burchfiel* discloses a radio device that includes a transmitter that sends data to other media access controller using a power setting that falls within a lower power range. Contrary to the Examiner's assertions, this paragraph does not disclose or even suggest receiving a request to provide a power level, as called for by claim 1. Rather, *Burchfiel* simply describes a transmitter that transmits data using a power setting in the lower power range.

In the same paragraph, ¶35, *Burchfiel* also discloses that the radio device includes a media access controller that receives requests to transmit data to other devices using a power setting that falls within a high-power range. *Id.* While *Burchfiel* mentions receiving “requests” in this passage, these “requests” do not ask to provide a power level to the remote unit (as called for by claim 1) but rather to transmit data to other devices at a high-power range. Thus, even in this passage, *Burchfiel* does not teach a receiving request to provide the power level. In view of the aforementioned reasons, claim 1 and its dependent claims are allowable.

Claim 1 and its dependent claims are also allowable because *Burchfiel* does not teach providing the measured power level to the remote unit. In *Burchfiel*, because no request is received to provide the power level, it is not surprising that it also does not teach providing the power level to the remote unit. In *Burchfiel*, the radio device transmits data packets (see ¶36), but does not transmit any “power level” that has been measured. For this additional reason, claim 1 and its dependent claims are allowable.

The Examiner relies on a second reference, *Schulist*, to argue that it teaches in paragraph 12 the claim element of “measuring a power level of a signal provided by the transmitting component in response to receiving the request from the remote unit.” The Applicants respectfully disagree. *Schulist* describes (1) receiving a signal that has an identification code modulated therein; (2) determining a transmit power level based on a predefined relationship between power levels and identification codes; (3) and transmitting a signal at the determined power level. As can be seen in these steps, there is no “measuring” of a power level of a signal provided by the transmitter, as is called for by claim 1. While *Schulist* describes receiving a

signal with a modulated code, it does not teach or even suggest measuring the power level of this signal. Rather, *Schulist* describes accessing the modulated code from the received signal and thereafter determining a power-level associated with accessed code based on the pre-defined relationship between these codes and power levels that are shared in memory. Thus, contrary to the Examiner's assertion, *Schulist* does not teach or suggest measuring the power level of a signal. Moreover, *Schulist* also does not teach measuring the power level in response to receiving the request from the remote unit, where the "request" refers to a request to provide a power level associated with the transmitter (see claim element 1). Because *Schulist* does not teach a "request to provide a power level," and, it therefore also cannot teach measuring a power level in response to such a request. For at least the foregoing reasons, the Examiner's reliance on *Schulist* is flawed.

Claim 31 is allowable for at least the reasons claim 1 is allowable.

#### **Claim 11 (and dependent claims)**

Claim 11 refers to instructions, that when executed, (1) receive a request from a remote unit to indicate a power level of a signal provided by a transmitting component; (2) determine a power level of the signal in response to receiving the request from the remote unit; (3) determine if the measured power level is at an acceptable level; and (4) adjust a power level of an output signal provided by the transmitting component by a pre-selected level in response to determining that the measured power level is not at the acceptable level.

Like claim 1, the Examiner alleges that element (1) of claim 11 is taught by *Burchfiel* and element (2) is taught by *Schulist*. But as explained above, these references do not teach or suggest (1) receiving a request from a remote unit to indicate a power level of a signal provided

by a transmitting component and (2) determining a power level of the signal in response to receiving the request from the remote unit. For at least these reasons, claim 11 and its dependent claims are allowable.

Claim 11 is also allowable because neither *Burchfiel* nor *Schulist*, when considered individually or in combination, teaches determining if the measured power level is at an acceptable level. The Examiner alleges that this feature is taught in paragraph 19 of *Burchfiel*. The cited paragraph, however, does not describe the claimed feature. Rather, paragraph 19 of *Burchfiel* describes creating and storing a “model” power level profile for a plurality of frequencies over a given period of time. For this additional reason, claim 11 and its dependent claims are allowable.

#### **Claim 17 (and dependent claims)**

Claim 17 is allowable over *Burchfiel* and *Schulist* because neither references at least teaches an interface adapted to receive a request from a remote unit to adjust a transmit power level of a first component of a base station. These references also fail to teach a control unit that is adapted to determine a power level of an output signal of the first component in response to the request and provide the determined power level of the output signal of the first component to the remote unit. For at least these reasons, claim 17 and its dependent claims are allowable.

#### **Claim 25 (and dependent claims)**

Claims 25 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Burchfiel* in view of U.S. Pub. 2003/0064745 (*Benveniste*). The Applicants respectfully disagree. For similar reasons stated above with respect to claim 1, *Burchfiel* at least fails to

teach a base station adapted to receive the request; measure a power level of a signal provided by a transmitting component; determine if the measured power level is at an acceptable level; and adjust a power level of an output signal provided by the transmitting component by a pre-selected level in response to determining that the measured power level is not at the acceptable level.

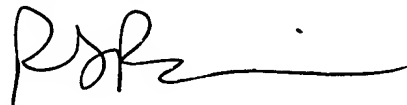
The Examiner's rejection of claim 25 is also erroneous for another reason. The Examiner has already acknowledged that *Burchfiel* does not teach measuring the power level. *See* Office Action, page 2 (stating that *Burchfiel* does not teach the act of measuring the power level). However, when addressing claim 25, the Examiner inconsistently argues that the measuring feature is taught in paragraph 35 of *Burchfiel*. *See* Office Action, page 14. Paragraph 35 of *Burchfiel*, however, does not teach measuring the power level. Accordingly, for the aforementioned reasons, claim 25 and its dependent claims are allowable.

Arguments with respect to other dependent claims have been noted. However, in view of the aforementioned arguments, these arguments are moot and, therefore, not specifically addressed. To the extent that characterizations of the prior art references or Applicants' claimed subject matter are not specifically addressed, it is to be understood that Applicants do not acquiesce to such characterization.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4064 with any questions, comments or suggestions relating to the referenced patent application.

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